

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 17, "Open Enrollment," Iowa Administrative Code.

In accordance with 2008 Iowa Acts, House File 2700, section 108, the Board proposes to amend rule 281—17.10(282) to change the funding formula for students enrolled in a home school assistance program from .6 per pupil to .3 per pupil. In addition, subrule 17.10(6) is amended to clarify a misunderstanding about the phrase "number of quarters." School districts may not lawfully pay for services not rendered; all tuition of any type is prorated to the day of service. The reference to "quarterly" ("quarterly payments shall be made to the receiving district") in Iowa Code section 282.18, subsection 9, refers to when payments are made from one district to another; it does not refer to the amount of such payments or how to calculate them. Striking the text in subrule 17.10(6) that refers to the number of quarters allows the Department to give clearer guidance on this matter to districts. Finally, subrule 17.10(2) is amended to clarify which district shall count home schooled pupils who are dually enrolled.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before September 16, 2008, at 4:30 p.m. Comments on the proposed amendment should be directed to Carol Greta, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; E-mail [carol.greta@iowa.gov](mailto:carol.greta@iowa.gov); or fax (515)281-4122.

This amendment is intended to implement 2008 Iowa Acts, House File 2700, section 108.

The following amendment is proposed.

Amend rule 281—17.10(282) as follows:

**281—17.10(282) Method of finance.** Open enrollment options shall be made available for pupils at no instructional cost to their parents/guardians. Open enrollment pupils shall be considered enrolled resident pupils in the resident district and shall be included in the certified enrollment count of that district for the purposes of generating school foundation aid.

**17.10(1)** No change.

**17.10(2) Dual enrolled pupils.** Unless otherwise agreed to in the mediation under paragraph 17.4(6) "b," for pupils who receive competent private instruction and are dual enrolled, the resident district shall pay each year to the receiving district an amount equal to .1 times the state cost per pupil for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4. However, a pupil dual enrolled in grades nine through twelve shall be counted by the receiving district in the same manner as a shared-time pupil under Iowa Code section 257.6(1) "c."

**17.10(3) Home school assistance program pupils.** Unless otherwise agreed to in the mediation under paragraph 17.4(6) "b," for pupils who receive competent private instruction and are registered for a home school assistance program, the resident district shall pay each year to the receiving district an amount equal ~~to .6~~ to .3 times the state cost per pupil under Iowa Code chapter 257 for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4.

**17.10(4) and 17.10(5)** No change.

**17.10(6)** *Partial-year situations.* In the event that the pupil who is under open enrollment withdraws from school, moves into the district of attendance, moves out of state, moves to another district in the state of Iowa and elects to attend that district, graduates at midyear, is allowed to return to the district of residence during the school year, or other similar set of circumstances that result in the pupil no longer attending in the receiving district, payment of cost per pupil will be prorated ~~based on the number of quarters of school enrollment.~~

**17.10(7)** and **17.10(8)** No change.